

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL R. SMITH,)	
)	
Plaintiff,)	Civil Action No. 00-1281
)	
V.)	Judge Arthur J. Schwab
)	Mag. Judge Francis X. Caiazza
SUPERINTENDENT PHILIP L.)	
JOHNSON; PUBLICATION REVIEW)	
COMMITTEE TIM G. COLLINS,)	
)	
Defendants.)	Electronically filed.

MOTION FOR EXTENSION OF TIME TO FILE
MOTION FOR SUMMARY JUDGMENT
PENDING SETTLEMENT CONFERENCE

AND NOW, come the defendants, Superintendent Philip L. Johnson and Publication Review Committee Tim G. Collins, by their attorneys, Thomas W. Corbett, Jr., Attorney General, Mariah L. Passarelli, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully submit the following:

1. Plaintiff, Daniel R. Smith, inmate number BM-1187, is a *pro se* prisoner, currently in the custody of the Pennsylvania Department of Corrections (DOC) in the State Correctional Institution at Fayette.

2. The Third Circuit Court has affirmed the District Court's Order granting summary judgment on First Amendment grounds (see Doc. # 38), but has remanded the case for consideration under the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-1, et seq (see Doc. # 46).

3. On February 16, 2007, the defendants file a Motion for Extension of Time to File Motion for Summary Judgment indicating both that they anticipated filing a

motion for summary judgment arguing qualified immunity and that they were in the process of re-examining the merits of Plaintiff's instant claims in light of the heightened RLUIPA standard. (See Doc. # 49).

4. In light of this review, the defendants believe that settlement discussions are appropriate at this time, and request that the court convene a telephonic settlement conference for this purpose.

5. The defendants reserve the right to file the aforementioned motion for summary judgment in the event that these settlement discussions prove unsuccessful.

WHEREFORE, the defendants respectfully request that a telephonic settlement conference be scheduled for April 13, 2007 at 10:30 AM before this Honorable Court. The defendants will make arrangements for the Plaintiff to participate by telephone at that conference.

FURTHER, the defendants request that they be granted an extension of time whereby their Motion for Summary Judgment would not be due until five (5) days after settlement discussions conclude, in the event that those discussions do not produce a settlement of this matter.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-3579

Date: March 29, 2007

BY: /s/ Mariah L. Passarelli
MARIAH L. PASSARELLI
Deputy Attorney General
PA I.D. No. 202469

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief Litigation Section

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL R. SMITH,)	
)	
Plaintiff,)	Civil Action No. 00-1281
)	
V.)	Judge Arthur J. Schwab
)	Mag. Judge Francis X. Caiazza
SUPERINTENDENT PHILIP L.)	
JOHNSON; PUBLICATION REVIEW)	
COMMITTEE TIM G. COLLINS,)	
)	
Defendants.)	Electronically filed.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Motion for Extension of Time to File Motion for Summary Judgment Pending Settlement Conference** was electronically filed with the Court and served upon the following via first-class mail:

DANIEL R. SMITH
BM-1187
SCI-Fayette
P.O. Box 9999
LaBelle, PA 15450-2200

/s/ Mariah L. Passarelli
MARIAH L. PASSARELLI
Deputy Attorney General

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-3579

Date: March 29, 2007